

Trent M. Gardner
Jeffrey J. Tierney
Hannah S. Willstein
GOETZ, GEDDES & GARDNER, P.C.
35 North Grand Ave.
P.O. Box 6580
Bozeman, MT 59771-6580
Ph: (406) 587-0618
Fax: (406) 587-5144
Email: tgardner@goetzlwfir.com
jtierney@goetzlawfirm.com
hwillstein@goetzlawfirm.com

Attorneys for Ali Ebrahim

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION**

POETIC LICENSE CAPITAL, INC.,

Plaintiff,

v.

ALI EBRAHIM and JOHN DOES 1-10,

Defendants.

ALI EBRAHIM,

Third-Party Plaintiff and
Counterclaim Defendant,

v.

YAHYA “JOHN” PIRACHA,

Third-Party Defendant
and Counterclaimant.

Cause No. CV-22-99-BLG-SPW-KLD
Hon. Kathleen L. DeSoto

**Ebrahim’s Rule 12(b)(1), 12(b)(6)
and 12(b)(7) Motion to Dismiss
Counterclaims and Third-Party
Claims of Yahya “John” Piracha**

<p>YAHYA “JOHN” PIRACHA, Third-Party Plaintiff, v. SHAN JAMAL, ALI THARIA and JOHN DOES 1-10, Third Party Defendants.</p>	
---	--

Defendant/Third-Party Plaintiff/Counterclaim Defendant Ali Ebrahim (“Ebrahim”) moves to dismiss the claims recently asserted by Third-Party Defendant/Counterclaimant/Third-Party Plaintiff Yahya “John” Piracha (“Piracha”). Specifically, Ebrahim moves to dismiss:

- (i) under Rule 12(b)(1) because Piracha’s claims remain subject to bankruptcy court jurisdiction;
- (ii) under Rule 12(b)(6) for lack of standing because, without bankruptcy court approval, Piracha lacks authority to pursue unabandoned pre-petition claims derivatively or otherwise;
- (iii) under Rule 12(b)(6) for lack of standing because Piracha has failed to comply with statutory prerequisites to bring derivative claims under state law; and
- (iv) pursuant to Rule 12(b)(7) because even a properly authorized

derivative claim cannot proceed in the absence of AHI which is the real party in interest but absent from this case.

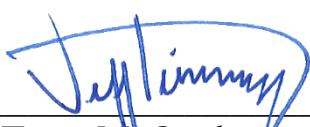
Ebrahim additionally moves the court for an award of expenses, including reasonable attorney's fees, incurred in bringing this motion and defending against Piracha's improper and unauthorized derivative claims.

This motion is supported by an accompanying brief. The undersigned certifies, pursuant to Local Rule 7.1(c)(1), that this is a dispositive motion that is exempt from the requirement to obtain and recite the opposing party's position.

Respectfully submitted this 10th day of March, 2025.

GOETZ, GEDDES & GARDNER, P.C.,

By: _____



Trent M. Gardner
Jeffrey J. Tierney
Hannah S. Willstein